

A BRUCCI LLC  
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SANTEE, CA 92071

Mathew Schneider,

After reading the proposed new wind ordinance I would like to make the following comments:

1. The mandate to become energy independent utilizing renewable energy as a component will require encouragement of all available renewable development.
2. The County's goal of streamlining permitting Wind development is to be applauded.
3. There are several counties in California that have successfully supported wind development that have been vetted and are reducing our dependence on foreign sources of non-renewable fuels.
  - a. Counties that have successfully promoted wind development, such as Riverside County, do not have requirements for low frequency noise. This type of standard fully addresses noise and should be adopted in San Diego County.
  - b. The County should be more specific on how dBC sound should be measured.
  - c. The proposed low frequency sound thresholds could limit the developable land, precluding wind development. The County should calculate how many acres would be available for wind development under these noise standards, taking into account the viability of the local wind resource. The environmental impacts of restricting wind development, including increased greenhouse gas emissions, also need to be evaluated.
  - d. The proposed setback requirements appear to be based on an ordinance that is widely regarded as being "anti-wind."
  - e. The notice provision for owners of property within 300 feet will provide sufficient notice to adjoining or adjacent landowners. A minimum number of owners are unnecessary.
4. Distributed Generation and Feed in Tariffs are being advocated to also promote energy independence.

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- a. Limiting the height and amount of energy a land owner can produce is counter to the stated purpose of the amending ordinance. H-8
- b. The proposal to allow a maximum of three small wind turbines and an alternative proposal with a maximum of two wind turbines per lot must be revised to analyze where in the county lots would be of sufficient size to allow three turbines while meeting applicable setbacks. These locations are not identified and the impacts are not quantified in the EIR. Further, it does not evaluate the potential environmental impacts of limiting small wind development to two turbines on a lot. Analysis of the impacts of imposing both a two-turbine or three-turbine limit because each will reduce the potential for displacement of energy produced from fossil fuels, and will have the effect of reducing the attainment of state and federal renewable energy goals and its associated benefits. H-9  
H-10
- c. It has not been determine whether it is feasible to install wind turbines that are limited to 80 feet in height. Height is an important component of wind turbine output because the energy output increases exponentially with the height of the turbine. This section should be deleted or modified, or at least evaluated as to whether it is practical or feasible. There is no evaluation on the impact of this limitation, nor does it evaluate the potential environmental impacts of imposing the height limit. There must be an analysis of the impacts of this height limitation because it will reduce the displacement of energy produced from fossil fuels, and will obstruct state and federal renewable energy goals. This proposal must quantify and analyze the resulting impact to air and water resources. H-11  
H-12
- d. DG for Wind and Solar should be equal. H-13
5. It is critical for a wind energy development to have flexibility to choose specific equipment that will be available at the time of turbine construction. Turbine model choice cannot be specified ahead of time. It is not unusual for CEQA process to take years, and there is no guarantee of the outcome. Therefore, it is impossible to purchase turbines or commit to a manufacturer in advance. Because of the extremely long period of time required to permit a project, technology H-14

will have changed before a permit is ever issued. Only after approval is received can a wind energy developer execute choices among cost-effective turbines available for timely delivery in the marketplace at the time of construction. The application phase typically precedes the CEQA process, and wind projects evaluated under CEQA do not specify turbine manufacturers in advance. It is therefore unreasonable to require this information at the application stage. The approach allowing flexibility by analyzing maximum impacts of a range of turbine sizes is a common practice under CEQA. A wind energy project developer cannot invest in, nor commit to a particular turbine manufacturer because the substantial capital costs are not justified at the application stage. The risk of incurring such costs and commitments is unreasonable prior to permit issuance. On the other hand, it is reasonable for the County to require manufacturer information in civil design drawings submitted with the building permit applications.

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Cont.

Thank you again for your proposed modification to the obsolete wind ordinance. We, the little guys, want to contribute to energy independence and believe with these suggestion implemented our efforts will be significant.

H-15

Michael G Geraty, President



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## **Response to Comment Letter H**

**A Brucci LLC  
Michael G. Geraty**

- H-1** The County appreciates and concurs with this comment. The County worked closely with stakeholders and other jurisdictions in developing the proposed ordinance.
- H-2** The County disagrees with this comment. Low frequency noise is an environmental impact under CEQA and requires mitigation to the extent feasible. Where low frequency standards may make large wind turbine projects infeasible, a waiver process is available under the proposed project.
- H-3** The County agrees that the proposed project may limit the amount of land that is available for wind energy projects. This type of limitation is a common result of a zoning ordinance, but does not make the DEIR deficient. It is infeasible for the County to calculate how many acres of land would be available for turbine development utilizing the low frequency noise provisions proposed in the ordinance amendment. A number of variables must be taken into account when evaluating low frequency noise, including the turbine size, turbine manufacturer, meteorological conditions, existing ambient noise conditions, topography, relationship to other existing turbines, etc. As these variables do not remain constant throughout the areas where large turbines would be allowed under the proposed ordinance, the area of potential development cannot be mapped with any degree of certainty. However, the potential impacts of large wind energy project must, and will, be evaluated on a case by case basis. In addition, the County has provided some examples of how the low frequency noise provisions will affect large wind turbine project design in Appendix A to these responses.
- H-4** The County does not agree with this comment. The EIR analyzes the impacts of the project (Zoning Ordinance amendments) the County proposes. The County is not required to analyze a different project or an alternative suggested by in public comments. Furthermore, the existing Zoning Ordinance that has been in effect for decades restricts the development of large wind turbine projects by, for example, limiting turbine height to 80 feet. Large wind turbines today are often 200 to 400 feet high. The proposed project would revise and update the zoning regulations to account for current wind turbine technology. These revisions will allow more opportunities for wind energy projects. Lastly, the analysis suggested by the comment would require the County to evaluate an alternative that would allow unlimited large wind turbine projects and compare that alternative to the County's proposed project. Not only would this type of analysis be extremely speculative, it would also be a plan-to-plan analysis that is not allowed under CEQA. The County's DEIR uses the proper

plan-to-ground approach to analyze impacts. Determinations of the proposed project's effects on the environment are based on a comparison of existing conditions on the ground to future conditions anticipated under the proposed project.

- H-5** The comment does not raise a significant environmental issue for which a response is required.
- H-6** This comment does not raise a significant environmental issue for which a response is required. However, it should be noted that public noticing requirements included in the project are consistent with existing County noticing policy that applies to all discretionary land use permits.
- H-7** This comment does not raise a significant environmental issue for which a response is required.
- H-8** The project would not limit the amount of energy a landowner could produce, but sets forth development requirements based on the type and size of the proposed wind energy facility. The proposed ordinance creates a two tier system for permitting small turbines and large turbines. Turbine projects that exceed the height limit or rated capacity limit for small turbines may seek approval under the regulations for large turbines, which would have no height limit or rated capacity limit.
- H-9** The County disagrees with this comment. The impacts associated with developing three small tower mounted turbines have been quantified in Section 1.4.2 CEQA Assumptions, Ground Disturbance Analysis and are further summarized in Table 1-2.
- H-10** It should be noted that the proposed ordinance and limited alternative would both allow more wind energy projects than what is allowed under the current ordinance. The commenter suggests that these proposals would limit the potential for renewable energy projects and, therefore, cause additional impacts on the environment due to use of fossil fuels instead. The type of analysis suggested in this comment would be speculative and is not required by CEQA. Please also see response to comment H4 above.
- H-11** The commenter's suggestion that the project would further limit the height of small turbines is incorrect. The proposed ordinance allows an increase in height for small turbines. Under the current ordinance, small turbines on lots less than five acres in size are limited to 65 feet in height, and small turbines located on lots greater than five acres are limited to 80 feet in height. Under the proposed ordinance, all small turbines will be allowed up to 80 feet in height regardless of lot size. Therefore, this proposed amendment represents an increase not a limitation. Based on research and

## Draft Responses to Comments

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- stakeholder input, an 80-foot height limit would not make small wind turbines infeasible.
- H-12** The County does not agree with this comment. As stated above, the proposed ordinance would increase the height limit for small turbines on lots less than 5 acres in size and, therefore, would expand opportunities for renewable wind energy projects, not restrict it. Nevertheless, the County has the right to set limitations on development through the ordinance amendment process. An analysis of the effects to energy displacement would be speculative and a plan-to-plan analysis. Therefore, the suggested analysis is not required (see response to comment H4 above).
- H-13** It is unclear what the comment means. Therefore, no response can be provided.
- H-14** The County acknowledges and appreciates this comment. As the impacts of a proposed project may vary depending on the turbine models and manufactures, it is important that the County obtain information about the turbine models contemplated for a project. However, the proposed ordinance has been revised to clarify that an applicant may specify multiple turbine models in the application in order to facilitate a complete impact analysis for all turbine models that may be used for the project.
- H-15** This comment is conclusive in nature and does not raise a significant environmental issue for which a response is required.

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